UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,463	09/24/2001	Kei Fukuda	450101-02950	9482

			EXAMINER
20999	7590	09/28/2004	HUYNH, CONG LAC T

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/937,463	FUKUDA ET AL.
	Examiner	**Art Unit**
	Cong-Lac Huynh	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 September 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>16-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 September 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/24/01</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: the application filed on 1/23/01, the

preliminary amendment and IDSs filed on 9/24/01, priority 1/26/00.

2.   Claims 1-15 are canceled.

3.   Claims 16-34 are added.

4.   Claims 16-34 are pending in the case. Claims 16, 29 and 32 are independent

claims.

Priority

5.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Drawings

6.   Figure 8 is objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference number "282" has been used to designate two different buttons (See figure 22

related to figure 8 for the difference). Corrected drawing sheets in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the

page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing

figures. If the changes are not accepted by the examiner, the applicant will be notified

and informed of any required corrective action in the next Office action. The objection to

the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 20, 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

Regarding independent claim 29, the corresponding step, as disclosed in the

specification, is **not performed at random** as claimed ([0013], [0016]: "the present

invention includes a correspondence processing step for suitable <u>corresponding</u> a

plurality of <u>images</u> as editing objects *with respect to a plurality of respective scenes*

constituting scenario data .."; figure 25A, S11: Correspond selected material to one

scene of selected scenario). Corresponding a plurality of images with respect to a

plurality of **respective scenes** clearly indicates that corresponding step can not be

performed at random since the images must be related to **respective scenes.**

Regarding claim 30, which is dependent on claim 29, the step of "corresponding, at random, a row of characters to be inserted to either one of said plurality of scenes" is not actually disclosed in the specification. Instead, the specification merely states that "..where shaker program 54D decides whether or not text is shaken in a scene as a process object now is decided *at random* ..." or ".. where *one text is selected at random* out of texts incorporated ...in a case where three text are incorporated as shown in FIG. 22, *one text out of them is selected to be corresponded to the scene* to be the process object now" ([0146]). As such, it appears that selecting of text is performed at random. The corresponding step is not performed at random as claimed.

Dependent claim 31 is rejected for fully incorporating the deficiencies of the base claim.

Claim 32, which is the program storage medium of method claim 29, is rejected under the same issue as in claim 29.

Claims 20 and 33, which are the apparatus and the program storage medium of method claim 30, are rejected under the same issue as in claim 30.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.   Claims 20, 29-33 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 29 recites the limitation "said *scenes* of scenario data" in line 3. There is

insufficient antecedent basis for this limitation in the claim since the word "scenes" is not

mentioned before in the claim.

In claim 29, the step of "corresponding, at random, material data to be objects for

automatic editing process to each of said scenes of scenario data for automatic

constituted by a plurality scenes and having timing information at which each scene

starts" (lines 2-5) is confusing. When *corresponding* the material data to a scene, the

material data must *have a correlation with the scene*. So, such corresponding must be

based on a predetermined linking, not at random. It appears that as in the specification,

a material clip is <u>selected</u>, one out of five material clips CL1 to CL5 **<u>at random *to*</u>**

<u>*assign it to each scene*</u> ([0153], [0124, [0136], figure 25A, S11) **instead of**

corresponding, at random, the material data to a scene.

Also in claim 29, "*modifying said material data corresponded adjusting* to length of said

each scene" is grammatically incorrect. Do Applicants mean "modifying said material

data corresponded **by** adjusting to length of said each scene?

Regarding claim 30, which is dependent on claim 29, the step of "corresponding, at

random, a row of characters to be inserted to either one of said plurality of scenes" is

confusing. As mentioned in claim 29, the two items in corresponding process must have a correlation, and thus, they can not link to each other at random. According to the specification, it appears that selecting of text is performed at random, not corresponding a row of characters to one of plurality of scenes ([0146]: "..where shaker program 54D decides whether or not text is shaken in a scene as a process object now is decided _at random_ ..." or ".. where _one text is selected at random_ out of texts incorporated ...in a case where three text are incorporated as shown in FIG. 22, _one text out of them is selected to be corresponded to the scene_ to be the process object now").

Dependent claim 31 is rejected for fully incorporating the deficiencies of its base claim.

Claim 32, which is the program storage medium of method claim 29, is rejected under the same issue as in claim 29.

Claims 20 and 33, which are the apparatus and the program storage medium of method claim 30, are rejected under the same issue as in claim 30.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

12.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

13.   Claims 16-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Miller et al. (US Pat No. 5,801,685, 9/1/98, filed 4/8/96) in view of Abe (US Pat No.

6,714,216 B2, 3/30/04, filed 9/27/99).

Regarding independent claim 29, Miller discloses:

-    corresponding, material data to be objects for automatic editing process to each

     of said scenes of scenario data for automatic editing constituted by a plurality of

     scenes and having timing information at which each scene starts (**col 1, lines**

     11-21, col 5, lines 26-50: change made to the script leads to the automatic

     editing of the correspondent clip which causes the start time of a video clip to be

     changed where each video clip is considered equivalent to a scene of video)

- modifying said material data corresponded adjusting to length of said each scene (**col 5, lines 43-65**: changes made to the script such as adding text to or removing text from the script cause the play-time duration of the corresponding video clips to be adjusted)

- reproducing said plurality of material data on the basic of said scenario data (**col 6, lines 11-27**: displaying the video clips for viewing after being edited shows that the video clips is reproduced after being edited)

Miller does not disclose that the corresponding step is performed at random.

Abe discloses a video editing apparatus for *editing video sequences* employing a graphical interface for *selecting video clips* successively and *at random* so that the *scenes of motion picture selected from the video clips* each between an editing start point and editing end point are designated and displayed on the monitor (col 1, lines 6-14, 65 to col 2, line 8). Abe further discloses the editing points will be decided for the duration of the selected video clip (col 2, lines 25-32, 54-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses that the video clips can be selected at random *for corresponding scenes* providing the advantage to incorporate into Miller for easily corresponding scripts to video clips of scenario data in editing video having timing information where the corresponded video clips are selected at random.

Regarding claim 30, which is dependent on claim 29, Miller discloses:

- corresponding, a row of characters to be inserted to either one of said plurality of scenes (**col 4, lines 27-38**: linking the script with the selected clip by inserting control characters into the script text at a desired location of the video clip shows corresponding of the script text and the selected video clip; **col 13, lines 44-51**: "...video clips are linked to the text script to create an entire linked video and script text presentation ...")

- said reproducing displays said row of characters superposed at the time of reproducing said material data of scenes to which said row of characters are corresponded (**col 4, lines 21-62**: dragging and dropping the video clip to the drop location of the marked text of the script shows that the script including characters is superposed at the time of reproducing the video clip; **col 13, lines 35-51**: additional video clip is inserted into the script text shows that the script text, which is a row of characters is superposed at the time of reproducing the scene)

Miller does not disclose that said corresponding is performed at random.

Abe discloses a video editing apparatus for *editing video sequences* employing a graphical interface for *selecting video clips* successively and *at random* so that the *scenes of motion picture selected from the video clips* each between an editing start point and editing end point are designated and displayed on the monitor (col 1, lines 6-14, 65 to col 2, line 8). Abe further discloses the editing points will be decided for the duration of the selected video clip (col 2, lines 25-32, 54-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses that the video clips can be selected at random *for corresponding scenes* providing the advantage to incorporate into Miller for easily corresponding scripts to video clips of scenario data in editing video having timing information where the corresponded video clips are selected at random.

Regarding claim 31, which is dependent on claim 29, Miller discloses:

- displaying in list images relating to said material data (**col 4, lines 21-34**: viewing video clips where the clips include frames which are images to be selected relating to video data shows that these frames are displayed)

- displaying said images arranged relating to material data in order corresponded to each scene of said scenario data (**col 4, lines 21-34**: selecting frames in the clips on the graphical user interface inherently shows that the video frames, equivalent to images, corresponding to each clip of the video segment are displayed on the screen)

Claims 32-34 are for a program storage medium of method claims 29-31, and are rejected under the same rationale.

Claims 16-21, 28 are for an apparatus for performing method claims 29-31, and are rejected under the same rationale.

Regarding claim 22, which is dependent on claim 17, Miller discloses selecting either

one out of said plurality of scenario data and storing a plurality of scenario data in the

scenario data memory (**col 4, col 24-30**: selecting raw clips from the database list of

available clips; this also shows that a plurality of video clips, equivalent to a plurality of

scenario data is stored in the scenario data memory).

Regarding claim 23, which is dependent on claim 16, Miller discloses:

- storing effect information added to a scene (**col 5, lines 43-65**: adding video

    frames to a video clip to change the play-time duration of video *playback*; this

    implies that such change made to the video clip must be stored for later use)

- corresponding said effect to either of said plurality of scenes (**col 5, lines 43-65**:

    the added video frames correspond to the video clip to which said frames are

    added to)

Regarding claim 24, which is dependent on claim 16, Miller discloses reproducing said

plurality of material data corresponded by said corresponding means on the basis of

said scenario data (**col 5, lines 43-65**: the video clips are edited based on editing of

video frames, which are equivalent to scenario data, to reproduce video clips).

Regarding claim 25, which is dependent on claim 24, Miller does not disclose that said

material data is animation data. Instead, Miller discloses editing audio clips and video

clips for broadcasting (abstract, col 6, lines 39-53).

Abe discloses that the data in video editing is animation data (figure 9, SP4, SP6: moving picture is the animation data).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses editing video sequence where the data for editing is animation material providing the advantage to incorporate into Miller for producing animation data instead of merely editing audio data and video data by changing the length of the video segment since reproducing animation based on audio data and video data, at some point, is one way of editing audio data and video data.

Regarding claim 26, which is dependent on claim 24, Miller discloses that said material is still image data (col 4, lines 24-30: the video frames are still image data in the video).

Regarding claim 27, which is dependent on claim 24, Miller discloses that said material is voice data (col 3, lines 38-42, col 6, lines 1-7, 41-43, 50-53).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (US Pat No. 5,386,581, 1/31/95).

Rose et al. (US Pat No. 6,587,109 B1, 7/1/03, filed 12/23/99).

Signes (US Pat No. 6,195,088 B1, 2/27/01, filed 12/4/98).

Takahashi et al. (US Pat No. 5,537,528, 7/16/96, filed 2/16/93).

Purnaveja et al. (US Pat No. 6,006,241, 12/21/99, filed 3/14/97).

Wakimoto et al. (US Pat No. 6,571,052 B1, 5/27/03, filed 5/7/99).

Snook (US Pat No. 6,400,378 B1, 6/4/02, filed 9/26/97).

Zhou et al. (US Pat No. 6,654,930 B1, 11/25/03, filed 3/20/97).

Ogawa (US Pat No. 6,072,479, 6/6/00, filed 8/28/97).

Marcus (US Pat No. 6,032,156, 2/29/00, filed 4/1/98).

Schechter et al. (US Pat No. 6,487,565 B1, 11/26/02, filed 12/29/98).

Duncombe (US Pat No. 6,430,582 B1, 8/6/02, filed 5/12/00, priority 4/28/00).

HAGA et al. (US Pat App Pub No 2001/0040575, 11/15/01, filed 2/18/98).

Hinson et al. (US Pat No. 6,144,391, 11/7/00, filed 2/27/98).

Kenner et al. (US Pat No. 6,421,726 B1, 7/16/02, filed 3/1/98).

Stewart et al. (US Pat No. 5,649,046, 7/15/97, filed 12/3/93).

Kurakake (US Pat No. 6,211,453 B1, 4/3/01, filed 10/9/97).

Kim et al. (US Pat No. 5,717,438, 2/10/98).

Kim et al. (US Pat No. 5,659,790, 8/19/97).

Alattar, Wipe Scene Change Detector for Segmenting Uncompressed Video

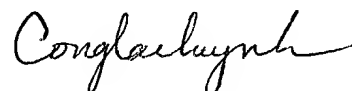Sequences, IEEE 1998, pages IV-249-250.

Mackay et al., Virtual Video Editing in Interactive Multimedia Applications, ACM 1989,

pages 802-810.

Matthews et al., VideoScheme : A Programmable Video Editing System for Automation

and Media Recognition, ACM September 1993, pages 1-8.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-

4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-4125.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Examiner
Art Unit 2178
9/17/04